

3602 N. South Dakota Avenue
Florence, Arizona 85132-8432
January 9, 2018

Honorable Charles R. Pyle
U.S. Magistrate Judge
United States District Court
123 N. San Francisco Street
Suite 200
Flagstaff, Arizona 86001-5253

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| CLERK U.S. DISTRICT COURT | |
| DISTRICT OF ARIZONA | |
| <input checked="" type="checkbox"/> AV | <input checked="" type="checkbox"/> DEPUTY |

Ref. ISSUES involved in / pertaining to this "Rawls matter"

Dear Judge Pyle;

You requested (probably an Order?) that I set out (as briefly as I could, but precise is just not how my mind works, unfortunately) the ISSUES of this very, very lengthy matter, in 15 pages (or less). I wanted to make it as "short" (not lengthy) as possible but six decades of their muddling on otherwise simple matter of single (not involved) law has made it hard to pier through their several obfuscations against law. One has to wade through and clear away all of that now in order to get down to the single law of the matter.

It seems to me this matter is not suited for Magistrate Court? Maybe it is? I have as yet to find legal help.

I am enclosing what I have done for the Court and closely related items, like my first book. In write all mentioned in the 15 page requested.

Sincerely

DR Rawls

David R. Rawls

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David R. Rawls, age 74
Occupation (see footnote)
3602 N. South Dakota Ave.
Florence, Arizona 85132
January 8, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America, Case #: 17-04336 PO-PCT-CRP

Plaintiff,
vs.
David R. Rawls,
Defendant.

MERITORIOUS
ISSUES/FACTS
AND THE LAW
CONTROLLING
HERE BY THE
CONSTITUTION

A. The art of government is honesty.

Thomas Jefferson

B. Treacherous government is not American.

It is treason. David Rawls

C. Three America—THIS IS America! —Flags waving FREE
over, in, ABOUT AMERICA were taken down, and thus
“Cancelled” out at Blue Jay, at America (2014-2016) by
the U.S. Forest Service due to no authorizing permit/permission
from it / them allowed the activity! America Flag number 4
was left up and not removed by the U.S. Forest Service,
on August 4, 2016. To my offer, Parker responded, “Leave it up.”

(footnote) Occupation: Beginning as a boy (10, 9?, 11?)
a part-time summer helper in our Rawls Family Quarries.
As a teenager I worked with Dad, and on into my twenties.
It was our life, livelihood, and very gratifying/rewarding
—needlessly ended only by our being grossly trampled
(continued)

C. To see / understand fully, correctly a wide in scope picture landscape (situation) all of it must be seen together - at one time, one place. Looking into, at parts separately can be deceiving - as in their Rawls matter.

ISSUES IN "RAWLS" / THIS MATTER SIX DECADES LONG

I. AMERICA

a. America originated by and from government as its / the source of origin?

b. America, after 1776 anno Domini, no longer exists primarily under or even generally as some product or at the pleasure or whim of Government and power / PROPER authority?

Since 1776 America exists with Government as part of it as contrasted to being under it.

The 1776 Founders believed good Government is not HOSTILE TO / antagonistic against Man's Deity-given Liberty and Freedom and Worth, and is very respectful of Rights and Property. America and Old World power are very different.

II. Blue Jay. WHO OWNS BLUE JAY?

a. Blue Jay at all points, and all times since its inception / creation by Rawls /

(footnote continued)

upon / down by territorial days or Old World no respect, brazen, arrogant, heavy-handed virtually totalitarian power (able to make itself unaccountable); impoverishing us in only a few years. Being caught by / in their imposed litigation and its costs trying to defend ourselves / our life against that and an even wider internal war upon America I have been, without any pay, but much cost, all these decades standing America. I wrote a 222 page book for America on this. FOR

Marion D. Rawls in 1949-1950 is and has been
Government property?

b. Blue Jay, not being a U.S. Forest Service use
permit or a lease contract, is of a much higher
nature/character than that and is personal and
owned property and not the same as land that
is Public Domain land.

b. Part 2. Once/because (when) valid (legal) the
owner of Blue Jay, this Defendant-Writer, has the
law's PROMISE OF the written signed and stamped
acknowledgment of being owned by David Rawls
(not by Government) called the patent document.
(It is being backstabbed also, AFTER I had
applied and paid the fees for that document.)

b. Part 3. Since the planning of the realignment for
Santa Fe by the R.R. and U.S.F.S. began 4, 5, or more
years prior to the Forest Service authorizing (and
falsely vis-a-vis Rawls) the trespass by Santa Fe
They, the U.S.F.S. and Santa Fe, could have had
their attacks of our properties [and our lives]
before actual construction began, but they did
not until we had to sue the R.R. for trespass!
They attacked only after trespassing and liable
for the great damages.

Fully aware the R.R. realignment was to be
on our properties the U.S.F.S. Ranger, Lee Foster,
came before construction Damages to assure us
(Dad, Mom, and myself in his presence) that we
had nothing to be concerned about because the
Forest Service was protecting our interests.

b. Part 4. Validating Blue Jay is the fact that Blue Jay was not attacked by the Government / the U.S. Forest Service - when our / Rawls' other properties were attacked by the U.S.F.S. and Crooked Railroad. And the R.R.'s attack of Blue Jay as improper for being non-locatable due to the ground not being open to mining entry just could not/did not hold up. A smoke screen attack only.

b. Part 5. The 1892 Building Stone Act, 30 U.S. Code Section 161, as enacted and by which Blue Jay is and became Rawls' lawful property BUT TRESSED by Title 30 U.S. Code § 38 also — ownership that is acknowledged by Document and Section 38 by way of a kind of reverse statute of limitations against Government withholding the Document (the "patent") for mining claims — makes Blue Jay established as having patented status / quality / condition full ownership — that is "also" convey.

D. Part 6. U.S.F.S. Geologist Robert E. Wilson's (4-8-64) Mineral Report — APPENDIX F, page 123 in my book — of the events surrounding / involved in their run up / preparations to ATTACK!!! us / Rawls in Executive Branch court / by Star Chamber has conveniently left out / not included any mention of or specification of the destruction of Blue Jay / Rawls' property and when in time — Which shows partiality by the agency • U.S.F.S. Ranger Foster / The U.S. Forest Service knew prior to reassuring us we were being protected because the grounds had been ~~measured~~ surveyed by or for the railroad.

b. Part 7. The Forest Service and Interior LOST when they litigated AGAINST Blue Jay so as to invalidate it (and me) in 1984-1985 in both federal U. S. District Court before Judge Charles E. H. Hardy, U. S. District Judge — probably an ex parte action only, I now realize — and in Interior (A-021016, 1985) where they, after only three of the incomplete six days schedules, FLED so as to avoid that fraud-based attack / process being exposed by / in the record (Transcript) and by the (a) written ruling. Their Motion to Dismiss (a sham) was only a Motion to flee, to flee from facts, the law, the truth, and Justice AND to avoid condemning what they were up to do in Rights and Law they knew were against them and only on Rawls' / my side. Back To U.S. District Court in 1985 they deceived the court by not being forthright so as to get the court to treble fine me in an amount of \$8,855.²² — for not producing Blue Jay sales records [for the prior 1985 Interior "court", not for the U.S. District Court] back Twenty-nine (29) years to 1955 WHEN I, David Rawls, WAS TWELVE years old and did not own Blue Jay — besides not having such (non-existent*) records* to produce by the court order (two pages) so as to satisfy the Order. Obtained via Deception, no doubt. Against Rawls.

* Those records no longer existed and not needed / ^{Mamie} Vaughn, ¹⁹⁸⁰ Wyo..

b. Part 8. Dr. Ron Blakey, geologist, Northern Arizona University Geology Department Professor (now retired) testified one day in Phoenix on behalf of truth and on my side in 1985 in AD21016 against BLUE JAY. Testimony by Dr. Blakey was also one of the several primary reasons the U.S. Forest Service CHOSE to flee from their meritless, and fraud-centered "court" by the U.S. Department of the Interior — villain also, that is too cozy with the Forest Service also because they are essentially **kissing cousins** in and of (and also about) their same game: Land control, including its wealth. Dr. Blakey spent his career, including Chair of the N.A.U. Geology Department for a time, specializing in stratified rock formations concentrating mostly on sedimentary sandstone formations of which our (the) Coconino [flagstone] Sandstone is one. And he found our thinly-bedded [flagstone] sandstone to satisfy both the 1892 Law and their 1955 law; * that they got (bamboozled/mislead by puffery and half-truths/lies to the Congress to get) Congress to enact as law — with modification to save the Building Stone Act, and to leave materials [for building purposes] that have "some property giving the deposit distinct and special value" open to the use of mining law for ^{DRR} ~~their~~ use and ownership. (The 1955 law does not say: some unique property. The two land agencies added unique so as to make building stone, all of it, not special enough ^(unique) as "only building type stuff" to be unique / lawful!) *

* Two statements — 5-8-96, 12-9-91 — by Dr. Blakey are appended.

b. Part 9. The Interior Department Star Chamber they filed in 1985 (A-021016) found Dr. Blakey's counterpart, U.S.F.S. Geologist Hilton Cass, saying under oath that he found Blue Jay exhausted as to good stone that could be marketed for a profit successfully — pretty much exhausted. Dr. Blakey found and testified VERY MUCH to the contrary. In his May 8, 1996 Report Concerning Quality and Quantity of Coconino Building Stone in Blue Jay Claim he — highly knowledgeable on such stone and extensive experience with the Arizona and Colorado Sandstone flagstones! — stated/wrote:

1. "The claim contains some of the finest quarry stone I have ever seen. I am very familiar with the Coconino Sandstone and have published three major and several minor papers regarding the Coconino in National Scientific books and journals. The splitting properties and size of the blocks that can be recovered from the Blue Jay Claim make this stone valuable for a number of uses including floor tiles, table tops, decorative stone, and dimension stone."

"2. Most of the commercial-quality stone is still in the ground. Only a fraction of the total amount and value has been quarried and sold. I estimate that at least 13 million cubic feet of commercial stone is still in the ground on the property."

"3. The trend of the bedding planes that control how the stone can be quarried is very favorable. Most trend SE to SW which is downhill on the claim. Immediately SE of the Blue Jay Claim is a large, active quarry. This quarry shows that favorable Coconino Sandstone is at least 25-40 feet thick."

"4. The stone in the Blue Jay and surrounding quarries is commercial and valuable. It is currently being shipped nationwide."

* 5. The Blue Jay Claim fulfills the existing mining law as a valuable mineral deposit. This includes both title 30, US code section 161 of 1892 and title 30, US code section 611, 1955. [emphasis added by David Rawls]

"Please feel free to contact me if you have any questions concerning this report."

He signed and dated his report: Ronald C. Blakey
A copy is appended and a copy of 5/8/96
his statement / report dated December 9, 1991. *

Because I, David Rawls, worked many days, for years as a boy, teenager, and young man, and later on older, as imposed circumstance disallowed or allowed, I will add my experience-based and educated and thoughts "two bits" (25 cents) worth.

This Blue Jay stone [and also the other 6 or 7 quarries by Rawls] got in my blood because it is awesome, and to be a natural, versatile, and naturally splittable into its beautiful, hard, even flat sheet of stone (flogging) type of "rock" or rather stone is almost unbelievable. And truly unbelievable because they (some) say it and the human eye and eagle eye and Boeing 777s came from a totally uncontrollable BIG!!!!!! BANG!!!!!! in the past, billions of years ago by accident. I do not say that. Their theory means consciousness came from CHAOS also. NOT LIKELY!!!!!! says David King David a/k/a David Rawls. And people of wisdom in use.

III. DISCOVERY. What Establishes And Defines It:

A. Paperwork (recording the property) comes first?

B. Paperwork (recording the property) is not first!

C. Discovery is defined by the Interior Dept., not by Law.

D. Discovery is defined by Law, not by the land agencies.

* My GREATLY LOVED MOTHER WAS 82 on December 9, 1991 about one year after also receiving also BRUTISH, NO RESPECT MALTREATMENT on Blue Jay.

- a. Discovery is not of mineral wealth in Earth, having been found / discovered, but of the right piece of paper having been found. It is of paperwork that is found. When found and therefore timely.
- b. Discovery is of and by mineral wealth that is authorized by "the 1872 Mining Law" of mining and in finding a discovery in Earth ~~the ground~~, not by and for and until paperwork. (The Old Prospector dug mightily into Earth and paperwork he could never find! He "was" ~~badly~~ disappointed.)
("Maybe in several trillion years?")
- a. A Mining Law property is determined valid, or not, by Interior or the Interior Secretary, NOT BY LAW.
- b. A Mining Law Property [1950s, 1960s, ...] is established BY "and" thereby determined by the statutory law (when put to use). Not by people, not by people because they can be and are too often subjective instead of rationally, carefully objective. People can be and often all over the place / very variable because subjective on many subjects.
- a. Ownership resides in having paperwork.
- b. Ownership [of the mining property] resides in having discovered lawful Mining Law mineral(s) that is/are valuable — have worth to people and a country and are thereby called wealth — AS THE RIGHT TO ENTER and LOCATE / CLAIM FOR ONE'S SELF THE PROPERTY / WEALTH AS ONE'S OWN PROPERTY. Not to claim it as Government property for (or on behalf of) Government. (Or, by and for government is mostly a Soviet agenda)

- a. Ownership of / property in & by, and of Mining Law Claim is of, by, and for Government. It is a Government thing!
- b. Ownership of / property in, by, and for and of Mining Law Claim is not a Government Thing in America. The federal courts have declared (ruled) that "where there is a valid location" / claim thereafter the Government merely "holds in trust [FOR the claimant] a naked title."
- c. A "patent" document is good (effective) only after applied for. (Paperwork rules.)
- b. A "patent" document acknowledging ownership relates back TO the Location (Discovery in Earth) day, the day of Discovery / claimed. CLAIMED as property one owns. By statutory Law and one's effort / work in making the Discovery. (And one's initiative, not the laziness of some.)
- d. Section thirty-eight (38) of Title 30 U.S. Code is not law in the instance of David Rawles, Blue Jay as one's property / as owned in this matter now or at anytime where Blue Jay was a discovery / lawful / valid when TAKEN. Forfeit took it away - merely by a fool (treacherous and covetous) devised by the EXECUTIVE Branch no less. [NO!]
- b. Section 38 by Congress as good law was enacted as protection of PROPERTY. Property owned, that was good / with ESTABLISHED. Section 38 says / defines Blue Jay as established. It says:
- "Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining claims of the State or Territory where the same may be situated, evidence of such

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possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter [emphasis added]

In my blue cover book, ~~The America~~; ^{DRB.} The Art of Government; Honesty; Power; Civility; And War Against America From Within, Appendix V is a copy of the above Law by Congress. Page 216 - 2006. A. David R Rawls, Defendant here * did apply for A.D. The Blue Jay - entitled and Rawls - entitled piece of signed and stamped by Interior, the Secretary of paper (Document) called a "patent" acknowledging ownership of Blue Jay by Rawls, David R. Rawls as the Rawls Family successor-in-interest heir to Blue Jay, but as Secretary Bruce Babbitt had / caused (backstabbed) the process because AS HIS RIGHT he can and DID HAVE CONGRESS put a yearly moratorium on / AGAINST THE PROCESSING OF said patent application by the Appropriations Process so as to kill it in the water, the pending issuance of said patent Document / paper. Very hostile to the 1872 Mining Law (personal, private ownership of mineral wealth via the Mining Law) Babbitt had (enticed somewhat deceptively) Congress stop the processing of my patent and others also. Eleven months after I had applied and paid the fees for the processing! Interference that is good. D. Bruce Babbitt and as Secretary of the Interior has NO such right or privilege to interfere! Especially for twenty-three years — so far. Not months, or weeks. That cost me TIME and money!!!

* Instead of the heading of this matter, which should not be United States of America but instead United States Forest Service with the U.S. Forest Service as the criminal it is and as Defendant, not Plaintiff.

AND NOW TO MENTION DISCOVERY:

Inasmuch as the Secretary's and Interior's power to do away with statutory Law killing it unconstitutionally by the appropriations bill process — To deny thereby ones / my patent — It is true to form (backstabbing in other words) for Interior and the Secretary to also kill the 1872 Mining Law and what it creates (property, wealth, jobs, prosperity, the American Dream, etc.) by **FORFEIT** [of one's life/livelihood/security/prosperity, Liberty, Freedom, a good future/peace/sense of deserved belonging/selfhood] with the **FORFEIT** of one's very hard to come by and far, far more than earned property* property by a shoddy, cheap, sleazy Deadline for the sole purpose of disposing one of his/her property — and independence against government type Totalitarianism. !!! DECADES OF TOUGH, almost backbreaking work, investment, plans for The good much prosperity ahead future, together with expectation that Law works for good NOT FOR BAD / evil that is even wicked can now "legally" be thrown down via days or even hours (not DECADES) by The Deadline PLOY as in the Madison D. Locke case cited in Plaintiff's opposition position that is footnote 3 thereof, page three by McStearns on this 28th day of November 2017. The U.S. Court of Appeals for the Ninth Circuit GOT IT RIGHT and very much so !!! consistent with AMERICA — not for Old World style British kind of POWER — but the U.S. Supreme Court, 5 to 4, mistakenly reversed in favor of the B.L.M. against Locke. Because Justice O'Connor ERRED.

* The misspelling above is prosperity. I meant to write there: properit property.

Justice O'Connors error, easy to make (or maybe made "for" her by a clerk), will be set out elsewhere later in this court proceeding. A mistake/error a lot of people honestly make. However the ^{U.S. District} ~~appeals~~ court found/ruled there was inconsistency with how legal deadlines are set and far too much loss of properties (mining claims) as a result, for the Deviant Deadline to be proper and Constitutional. And that BLM itself had caused the Locke's to be in such an irrational situation. Not Locke's fault. (Was an old AMERICAN who was a cowboy heard to say, "Couldn't the deadline penalty be a little less, like HANGING TWICE?" Yes indeed!!!!) Even a BLM booklet gave out the wrong deadline!

Here in this newest "Rawls matter" attack the CD of their Exhibits, Documents and photos (#41) they seem to have left off a copy of my NOTIFICATION, my notice against them to them, not to get them to argue against me but to tell them why they should be for me, including citing Section 38 they could have had to send a / my condign patent to me. I made it very clear plain it was not an appeal!! Had I done nothing at all I would lost by having not done anything, a loss by default. So the Government is possibly / very likely trying to deceive this court.

Because of all of the above (and below) good faith by the Government, or RATHER by the U.S. Forest Service as some rogues within it as officials and personnel, is not ^{DRR now} now. The case since the 1950s in Rawls and not now. Their (U.S.F.S.) many / numerous anti-mining ^{DRR} law (and anti-America) actions against Rawls (us) AND MANY others also show well bad faith / evil / backstabbing characterizes their agenda! My book goes into that.

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Mr. Stearns' / U.S.F.S. Document 4 arguments
in opposition to my Position(s) and the U.S. Law
by Congress has conveniently left out the import
or impact of Section 38 of Title 30 U.S. statutory
Code! Failing to talk about / or it is strange
and most interesting, to say the least. In item
8, page 3 he in effect says there is no law for
me, supporting my position as my property. But
Title 30 U.S. Code § 38 is statutory law! Applies.

IV. BAD FAITH OR NOT BY RAWLS? ANY OF US.

a. Bad faith use of Congressional Mining Law from /
for some bad faith goal/purpose (summer cabin site,
land for nothing, etc.) was not the motive/reason
for Rawls/us being in the business/enterprise
of quarrying (producing) and selling building
stone (**flagstone**) from our six properties,
in the fall of The extremely uncivil A.T.&S.F.R.R.
and its realignment in the 1950s, early 1960s.
Before construction began the R.R. had, as did
the U.S.F.S., Interior, I.C. five years to do it in
the respectful right way(s) & But chose not to!! They
turned out to be crooked and big time crooks.
Trespassing and in **BAD** faith. Maliciously!
Maliciously destroying the lives of people is **BAD**!
Unlawful? UNLAWFUL! indeed.

b. Bad faith on Rawls' part was never at
any time charged against us in this nasty, evil,
wicked U.S. Forest Service, Interior Department, and as
I just recently learned I.C. matter, and could
not be charged without lying..

V. RECORDATION CONTROLS?

It is paperwork that controls? Is first? Primary?
A deposit of lawful minerals located by parties
almost simultaneously is owned by who first records it?

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The COURTS found, decided and ruled that it is not the race to the recorder's office (or to the BLM) that is how ownership is controlled and decided. It is by discovery; who first made the discovery.

"P.S., So just HOW does their bogus discovery via recordation come ahead of Discovery/property (that is supportive of life) so as to be the primary and "of first order thereby via after-the-fact becoming the property (not lease) owned via one's discovery - the mineral material wealth and having found / discovered it - that discovery (or property) is secondary, if that, and can be discovered? By way of only paperwork! Our lawful, valuable, attractive, beautiful (intutive colors), valid flagstone building stone, never itself found or ruled unlawful or not of value or invalid by the Building Stone Act (1892), HAS NOT VANISHED OR EVAPORATED (or even been arrested brutally and taken away by Santa Fe R.R. or by the U.S.F.S.) but is still there in the ground (is the ground?) and soon as surface of my Blue Jay runs via discovery by me, David R. Rawls. [David Rawls says three hangings would be less unjust!!!!!!!]

Submitted respectfully by certified mail this 9th day of January, 2018. (With accompanying "footnotes" and other items)

DR Rawls
David R. Rawls

CERTIFICATE OF SERVICE

I David R. Rawls hereby, under oath certify that on this 9th Day of January, 2018 I mailed via United States Mail certified to the U.S. Attorney's Office, 123 N. San Francisco Street, Suite 410, Flagstaff, AZ 86001 and to Judge Charles Pyle, this document to 123 N. San Francisco Street, Suite 200, Flagstaff, Arizona 86001-5253 DR Rawls, pro se